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N'TON KITAPINI
4461 HARVARD RD.
DETROIT, MI 48224

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AUG 05 2008

In re Application of :
N'Ton Kitapini, et al. :
Application No. 10/652,929 : DECISION ON PETITION
Filed: September 2, 2003 :
Attorney Docket No. None :
:

This is a decision in response to the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed April 11, 2008, to revive the above-identified application.

The petition is **DISMISSED**. This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A review of the record shows that the application became abandoned for failure to timely pay the issue and publication fees on or before May 31, 2005, as required by the Notice of Allowance and Fee(s) Due, mailed February 28, 2005. It is also noted that a Supplemental Notice of Allowability was mailed on June 16, 2005, requiring a new oath or declaration under 37 CFR 1.67(a) identifying this application by application number and filing date. A Notice of Abandonment was mailed on May 25, 2006.

On September 7, 2007 and November 13, 2007, a petition under 37 CFR 1.137(b) was filed, however, the petition was dismissed in a decision mailed February 13, 2008. In response, on April 11, 2008, the present petition was filed. It is noted that the present petition is signed by inventor Diallo Kitoko Ditapini and Jessica Price, as representative for N'Ton Kitapini, who is deceased.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d).

The renewed petition is accepted as a ratification of the unsigned petition and statement of unintentional delay. Receipt is also acknowledged of the requisite petition, issue and publication fees. However, the new oath or declaration in compliance with 37 CFR 1.67(a) containing the signature of joint inventor Diallo Kitoko Kitapini has not been filed. Accordingly, the petition cannot be granted at this time.

Petitioner is strongly encouraged to submit a change of correspondence address for this application in accordance with MPEP 601.03. However, under the circumstances of this case, a courtesy copy of this decision is being mailed to the address noted on the petition.

Any further request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision and contain the new oath or declaration in compliance with 37 CFR 1.67(a). Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)" and should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to the oath or declaration under 37 CFR 1.67(a) that was required by the examiner should be directed to Tan Nguyen at (571)272-6966.

Sherry D. Brinkley

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: KITOKO KITAPINI & JESSICA PRICE
11945 MICHEL SARRAZIN APT 24
H4J2G6, MONTREAL, Q2C, CANADA

